

## **REMARKS**

This paper is in response to Paper No. 09697044 dated 22 September 2005.

### **Status of the Claims**

Claims 1-22 and 25-61 remain pending.

### **Amendments**

No claims have been amended. Dependent claims 46 and 47 have previously been amended via an Examiner's Amendment made and entered by Examiner Hosuk Song on Wednesday, the 2<sup>nd</sup> of May 2007.

### **Request for Supplemental Declaration Under 35 U.S.C. §251**

On Thursday, the 3<sup>rd</sup> of May 2007, Special Program Examiner Brian L. Johnson, Group 2100, made a telephone request via Examiner Hosuk Song, for a Second Supplemental Declaration pursuant to 37 CFR §251. Special Program Examiner Brian L. Johnson was unable to identify a basis under 37 CFR §1.175(a), (b) or (c) which would necessitate the preparation and filing of a Second Supplemental Declaration, and did not therefore specify that a particular "error" be addressed in the Second Supplemental Declaration.

Applicant notes that 37 CFR V1.175(b)(1) reads that "[f]or any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose

without deceptive intention on the part of the applicant.” The phrase *for any error corrected* is however, expressly referenced by 37 CFR §1.175(b)(1) to 37 CFR §1.175(a), which defines the *error as the basis for reissue*.

In the above-captioned application, the amendment of claims 46 and 47 is an amendment of newly presented claims, and this amendment itself is not an *error* which serves as *the basis for reissue* 37 CFR §1.175(a). Consequently, the forgoing amendment of reissue claims 46 and 47 does not necessitate the filing 37 CFR §1.175(a) of the requested Second Supplemental Declaration.

Second, Applicant's originally filed reissue declaration is complete in compliance with 35 U.S.C. §251; throughout the prosecution history of this application, no defect in that original declaration has ever been identified.

Third, the telephone request for a second supplemental declaration was made without identification of the basis for the “supplemental oath/declaration”; the requirement under 37 CFR §1.175(b)(1) however, is for “any error corrected, which is not covered by the oath or declaration submitted” with the originally filed application. Not every amendment made during the course of a reissue examination is however, and “error corrected, which is not covered by the oath or declaration” simply because such an “error” is one that arose under 37 CFR §1.175(a)(1). Moreover, only a single “error” must be identified in the reissue declaration, and so long as that the error remains corrected in the application as is specified under 37 CFR §1.175(c), a supplemental declaration is unnecessary, and no other errors need be specified.

Fourth, Applicant's submits herewith a Supplemental Declaration of the Assignee of all right, title and interest in and to the above-referenced application, together with a Petition and a Declaration, prepared in compliance with 37 CFR §1.147(b), together with a copy of the previously filed Memorandum of Law prepared by an attorney in Republic of Korea explaining the legal effect of sections 37 and 38 upon the ownership rights of the inventor, and the consequential operation of that law to transfer those ownership rights of the sole inventor to the Assignee in this application. Due to the long pendency of this application which was originally filed almost seven (7) years ago, and the fact that the sole inventor had after many years of faithful service resigned his employment with the Assignee and has become unavailable to the Assignee, grant of the Applicant's petition of 37 CFR §1.47(b) is proper in an order. A copy of a Decision on Petition dated on the 21<sup>st</sup> of November 2005 which granted Applicant's Petition; Rule 47(b) status granted by that Decision on Petition continues in effect throughout this examination. Accordingly, no additional Petition is required under either 37 CFR §1.47(b), §1.181 or §1.183.


Pursuant to 37 CFR §3.71 and §3.73, your undersigned attorney states that he has reviewed the documentary evidence of a chain of title from the original owner to the Assignee, that documentary evidence is recorded among the Assignment Records of the United States Patent & Trademark Office on Reel 7996, at Frame 0427 on the 29<sup>th</sup> day of May 1996, that this documentary evidence establishes that the Assignee is the owner of all right, title and interest in and to the aforesaid Assignee, and that the signatory of the accompanying *Supplemental Reissue Application Declaration* is duly authorized to act in this matter on

behalf of the Assignee.

The fee incurred under 37 CFR §1.17 by the filing of the Petition under 37 §1.47(b) was previously paid to the Office.

In view of the foregoing explanations, remarks and accompanying supplemental declaration of the sole assignee, this application is deemed to be in condition to be passed for allowance. Such action is respectfully requested.

Respectfully submitted,

  
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